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FOR IMMEDIATE RELEASE

Ninth Circuit Sends *Flores* Case Back to District Court

(Phoenix, Ariz. – Aug. 24, 2006) The Ninth Circuit Court of Appeals has sent the *Flores v. Arizona* case back to the Federal District Court, vacating the District Court's prior order sanctioning the State for not implementing an English Language Learner plan.

A three-judge panel of the Court of Appeals stated that "in light of changes in education programs and funding since the original 2000 court order, the District Court should have held an evidentiary hearing...."

"The Ninth Circuit Court of Appeals has issued a very narrow procedural ruling in *Flores v. Arizona*," said Jose Cardenas, the attorney who represents the State in this matter.

"It determined there should have been an evidentiary hearing in connection with the trial court's rulings," Cardenas said. "The Ninth Circuit's order is consistent with the State's position in the trial court, where the State opposed sanctions and asked for an evidentiary hearing."

The Court did not rule on the merits of measures passed by the Arizona Legislature addressing education of English Language Learners earlier this year or any other issue in the case.

A copy of the order is attached.

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